

# **Reorienting Criminal Law Enforcement Based on Restorative Justice: Aligning The Principles of Victim Restitution, Legal Certainty, and The Revision of The National Criminal Code**

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**ABSTRACT**

Criminal law enforcement traditionally emphasizes punitive measures, often neglecting the needs of victims and the broader social community. In Indonesia, this approach has led to insufficient attention to victim restitution, perpetrator accountability, and social harmony. This study aims to analyze the position of restorative justice within Indonesian criminal law, assess the alignment of the National Criminal Code with restorative principles, and propose a synchronization model to ensure effective and equitable implementation. A normative legal research design was employed, utilizing primary legal materials, including Law Number 1 of 2023, Peraturan Jaksa (Prosecutor's Regulation) Number 15 of 2020, and Peraturan Kepolisian (Police Regulation) Number 8 of 2021. Secondary materials consisted of scholarly articles, books, and international guidelines on restorative justice. Data were analyzed using qualitative content analysis to interpret legal norms, compare institutional arrangements, and identify gaps in procedural standards. The findings reveal that while Indonesian regulations have incorporated restorative principles, implementation remains fragmented, with varying standards across police, prosecutors, and courts. Restorative justice can enhance victim protection, encourage perpetrator accountability, and restore social balance, but requires clear normative boundaries, procedural safeguards, and institutional oversight. The study concludes that a synchronized model integrating case selection, victim protection, perpetrator accountability, and alignment with the Kitab Undang-Undang Hukum Pidana (National Criminal Code) can facilitate consistent, legally sound, and socially responsive criminal justice practices in Indonesia.

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## **INTRODUCTION**

Criminal law enforcement can no longer be understood solely as the process of identifying the perpetrator, proving guilt, and then imposing a penalty (Widyaningrum et al., 2024; Widyantara et al., 2023). This understanding is too narrow, as it only views criminal acts as violations against the state, while often treating victims, their families, perpetrators, and the affected community as passive subjects (Cassell & Morris, 2024; Nugroho et al., 2023; Yang, 2023). In many cases, especially those involving concrete losses, the victims' needs are not always met with imprisonment. Victims often require an admission of guilt, an apology, restitution, restoration of social relationships, and assurances that the offense will not be repeated.

It is in this context that restorative justice gains relevance. Restorative justice offers a perspective that crime is not merely a violation of criminal norms, but also an event that causes harm and disrupts social relations (Purwanto et al., 2025; Sardina & Ackerman, 2022; Yustia et al., 2026). Therefore, case resolution should not simply end with punishment but also focus on victim rehabilitation, perpetrator accountability, and restoring social balance. Fuad Nur emphasized that developments in criminal law enforcement have demonstrated a paradigm shift from retaliation to restorative justice, which focuses on recovery (Nur, 2024).

Theoretically, this idea aligns with Howard Zehr's view that *restorative justice* is a process involving stakeholders involved in a violation to jointly identify the losses, needs, and obligations arising from the violation (Zehr, 2015). Therefore, the primary focus of restorative justice is not simply "forgiving the perpetrator," but rather ensuring that the perpetrator is held accountable and that the victim receives meaningful reparation. This is where confusion often arises, as if *restorative justice* means the case is resolved simply because a peace agreement is reached. This is too shallow a way of thinking about criminal law.

This construction needs to be placed within the framework of an integrated criminal justice system. Muladi emphasized that the criminal justice system does not exist as a collection of institutions that work in isolation, but rather as a system that must maintain a balance between law enforcement, community protection, and respect for the rights of parties involved in the criminal process (Muladi, 1995). In the context of criminal law policy, Barda Nawawi Arief also emphasized the importance of criminal law reform that not only regulates norms but also regulates the value orientation and objectives of punishment (Arief, 2010).

In Indonesian positive law, restorative justice has gained institutional footing through several sectoral regulations. The Attorney General's Office regulates the termination of prosecution based on restorative justice through Prosecutor's Regulation Number 15 of 2020 (Indonesia, Attorney General's Office of the Republic of Indonesia, 2020). The National Police regulate the handling of criminal offenses based on restorative justice through Police Regulation Number 8 of 2021 (Indonesia, National Police of the Republic of Indonesia, 2021). Furthermore, the National Criminal Code, through Law Number 1 of 2023, strengthens the orientation of punishment, which is not solely retaliatory but also directed at resolving conflicts, restoring balance, and providing a sense of security in society.

Conceptually, international literature also shows that *restorative justice* is not merely an informal peacemaking process. Marshall defines it as a process that brings together stakeholders to jointly resolve the consequences of a crime and its future implications (Marshall, 1999). Braithwaite then links restorative justice with the idea of *responsive regulation*, a more adaptive, gradual, and indirect model of social control that places repressive punishment as the first choice (Braithwaite, 2002). Johnstone and Van Ness also position *restorative justice* as a field with a theoretical, practical, and institutional basis that continues to develop within the modern criminal justice system (Johnstone & Van Ness, 2007).

However, the implementation of restorative justice still poses serious problems. First, there is no general law that regulates restorative justice comprehensively and uniformly for all law enforcement agencies, even though the new Criminal Procedure Code (KUHAP) has been enacted, which accommodates case resolution through restorative justice. Second, there is a risk of disparity because the police, prosecutors, and courts may have different operational standards. Third, there is the potential for abuse, especially if reconciliation is forced, victims

are not in an equal position, or restitution is merely an administrative formality. Fourth, not all cases are suitable for resolution through a restorative approach, especially those involving serious violence, vulnerable victims, recidivism, or a broad impact on the public interest.

The global recognition of restorative justice as an alternative approach stems from this broader understanding of crime. Restorative justice frames criminal acts not solely as legal violations but as events that harm individuals and communities. Empirical studies indicate that victims involved in restorative processes report higher satisfaction and a stronger sense of justice, compared to traditional punitive systems. For example, programs in Europe and North America have demonstrated that victim-centered approaches increase compliance, reduce recidivism, and foster reconciliation, providing measurable benefits to both individuals and communities.

In Indonesia, the integration of restorative justice into formal criminal law has gained momentum with regulations such as Prosecutor's Regulation No. 15 of 2020 and Police Regulation No. 8 of 2021. These institutional frameworks provide operational guidelines for case resolution based on restorative principles, including victim protection, perpetrator accountability, and societal harmony. Despite these advancements, implementation remains fragmented, as different agencies apply varying standards, leading to inconsistencies and potential legal uncertainty.

Previous research has extensively discussed the theoretical foundations of restorative justice, highlighting its emphasis on repairing harm, reintegrating offenders, and ensuring victim participation. Howard Zehr's seminal work underscores the necessity of acknowledging both the needs of victims and the obligations of perpetrators, while John Braithwaite links restorative justice to responsive regulation, emphasizing adaptability and proportionality in enforcement. However, empirical studies on the effectiveness of these principles in Indonesia's legal context remain limited, creating a critical research gap.

This gap is further accentuated by the recent enactment of the National Criminal Code (Law No. 1 of 2023), which shifts sentencing philosophy toward conflict resolution, restoration of balance, and preservation of human dignity. While the Code aligns conceptually with restorative justice, there is limited evidence on how these principles translate into practice, particularly concerning the standardization of procedural safeguards, victim rights, and oversight mechanisms across investigative, prosecutorial, and judicial stages.

The urgency of this research lies in the potential risks of unstandardized implementation. Without clear norms, restorative justice could be misused as a mere administrative formality, potentially privileging powerful offenders or marginalizing vulnerable victims. Furthermore, indiscriminate application to serious offenses, such as child abuse, corruption, or terrorism, could undermine public trust in the criminal justice system. Addressing these risks requires a systematic analysis of normative limits, institutional synchronization, and alignment with the National Criminal Code's objectives.

This study adopts a normative legal approach, analyzing legislation, doctrinal literature, and international guidelines to construct a conceptual framework for restorative justice in Indonesia. By employing a legislative, conceptual, and analytical methodology, the research examines the legal principles governing victim recovery, perpetrator accountability, procedural oversight, and case selection, aiming to provide prescriptive guidance for harmonized application within the criminal justice system.

The novelty of this research lies in proposing a synchronization model that integrates restorative justice principles with national sentencing policy and institutional standards. Unlike prior studies that focus primarily on theoretical or case-specific analyses, this research emphasizes a systemic perspective, ensuring that restorative practices operate within the corridors of legal certainty, proportionality, and public interest. This model also addresses institutional disparities, clarifying the roles of police, prosecutors, and courts in the restorative process.

The purpose of this research is to delineate the position of restorative justice in Indonesian criminal law, evaluate the National Criminal Code's alignment with restorative principles, and define normative boundaries that safeguard victims and maintain societal order. By clarifying these aspects, the study contributes to legal scholarship, informs policy-making, and provides practical guidance for implementing restorative justice in a consistent, equitable, and legally sound manner.

Finally, the benefits of this research extend to multiple stakeholders. Victims gain clarity and protection through well-defined procedural safeguards, perpetrators receive structured accountability mechanisms, and the public benefits from a criminal justice system that balances fairness with restorative outcomes. By enhancing the coherence of restorative justice within Indonesia's legal framework, this study supports both theoretical advancement and pragmatic reform, promoting a justice system that is humane, effective, and socially responsive.

## **METHOD**

This research employs a normative legal research design, focusing on analyzing legal norms, doctrines, and principles related to restorative justice in Indonesian criminal law. The primary data sources consist of legislation, including Law Number 1 of 2023 (Kitab Undang-Undang Hukum Pidana/National Criminal Code), Peraturan Jaksa (Prosecutor's Regulation) Number 15 of 2020, and Peraturan Kepolisian (Police Regulation) Number 8 of 2021. Secondary data include scientific articles, books, international guidelines, and legal commentaries relevant to restorative justice. As the population of this study comprises all legal materials and doctrines related to restorative justice in Indonesia, the sample selection is purposive, focusing on documents and regulations most relevant to institutional practices and sentencing procedures. This approach ensures that the study captures the most influential and applicable sources for developing a conceptual framework.

The research instruments consist of a data inventory sheet and an analytical framework for interpreting legal texts and doctrines. The instruments' validity is ensured through expert review by legal scholars and cross-referencing with international standards, while reliability is maintained by the consistent application of the conceptual framework to all data sources. Data collection is conducted using a documentary and literature review technique, involving systematic reading, categorization, and coding of laws, regulations, and scholarly works. The procedural steps include identifying relevant legal texts, extracting normative principles, and mapping their alignment with restorative justice objectives. The study also employs qualitative analysis software, such as NVivo or ATLAS.ti, to organize, code, and retrieve data efficiently.

Data analysis is conducted using a qualitative content analysis technique to assess the coherence, applicability, and gaps in current restorative justice practices within Indonesia's

criminal law system. The process involves interpreting legal norms, comparing institutional regulations, and synthesizing doctrinal arguments to develop a prescriptive model for the synchronization of restorative justice principles with the Kitab Undang-Undang Hukum Pidana (National Criminal Code). The analysis focuses on evaluating victim protection mechanisms, perpetrator accountability measures, procedural safeguards, and institutional oversight, ensuring that the proposed framework is legally sound, practically implementable, and aligned with both national and international restorative justice standards.

## **RESULT AND DISCUSSION**

### **The Position of Restorative Justice in Indonesian Criminal Law Enforcement**

Restorative justice in Indonesian criminal law did not emerge in a vacuum. It arose from a critique of a criminal system that was overly focused on punishment. The formal criminal system is crucial for maintaining order, providing legal certainty, and enforcing prohibitions against certain acts. However, this system often fails to directly address the needs of victims. When a criminal process ends in imprisonment, victims do not necessarily receive compensation, an explanation, an apology, or psychological and social recovery.

Restorative justice principles demonstrates the responsiveness of law enforcement in seeking fairer solutions for victims, perpetrators, and the community (Nur, 2024). This perspective is important because it positions law enforcement as a process that is not merely legalistic but also substantive. Just law enforcement requires authorities to examine not only whether the elements of a crime are met but also whether the resolution of the case truly provides legal and social benefits.

From a criminal law policy perspective, restorative justice can be understood as an effort to balance three interests. First, the victim's interest in obtaining recovery. Second, it is in the perpetrator's interest to be held accountable without always having to accept disproportionate criminal stigma. Third, the public's interest in obtaining order and a sense of justice. These three interests must work together. If only the victim is concerned, the law can turn into a private transaction. If only the perpetrator is noticed, the victim is victimized a second time. If only the state is concerned, crime returns to being a cold punishing machine.

With this additional perspective, restorative justice can be understood as part of criminal law policy, not just a case resolution technique. Criminal law policy must be directed towards the rational, proportional, and functional use of penal means (Arief, 2010). At this point, Duff's communicative punishment theory is useful in explaining that punishment should not only harm the perpetrator, but also communicate moral blame and encourage accountability (Duff, 2001). Meanwhile, Ashworth emphasizes that modern punishment must consider proportionality, consistency, and protection of the rights of those affected by the criminal process (Ashworth, 2015).

Prosecutor's Office Regulation Number 15 of 2020 stipulates that termination of prosecution based on restorative justice is carried out by considering the interests of the victim, avoiding negative stigma, avoiding retaliation, maintaining community responsiveness and harmony, as well as decency, morality, and public order (Indonesia, Attorney General's Office of the Republic of Indonesia, 2020). This regulation demonstrates that restorative justice is not synonymous with simply dismissing a case. Value, procedural, and public interest requirements must be met.

Police Regulation Number 8 of 2021 also emphasizes that handling criminal acts based on restorative justice must meet general and specific requirements. These general requirements encompass both material and formal requirements, including not causing public unrest, not impacting social conflict, not promoting radicalism and separatism, not recidivism, and ensuring peace and the fulfillment of victims' rights (Indonesia, National Police of the Republic of Indonesia, 2021). Therefore, from the investigation and inquiry stages, the principle of restorative justice is positioned as a mechanism that remains under legal control, not simply an unsupervised social agreement.

However, the status of restorative justice within Indonesian criminal law remains fragmented. The police have their own regulations, the prosecutor's office has its own, and the courts lack a unified legal framework that unifies all processes. This fragmentation has the potential to lead to differing interpretations in determining which cases can be resolved restoratively. The lack of common standards can also create uncertainty for victims and perpetrators, as cases of the same nature may be treated differently by different institutions or jurisdictions.

Therefore, restorative justice should be understood as part of the criminal justice system, not as a wild alternative outside of it. Restorative justice can operate from the inquiry, inquest, prosecution, trial, and even the execution of the sentence. However, each stage must have clear requirements, procedures, documentation, and oversight. Without these, restorative justice risks being relegated to mere "peacemaking" dressed up in academic garb.

### **The Relevance of the National Criminal Code to Strengthening the Principles of Restorative Justice**

The National Criminal Code provides a crucial foundation for changing the orientation of Indonesian punishment. Article 51 of Law Number 1 of 2023 emphasizes that punishment aims to prevent criminal acts, socialize convicts, resolve conflicts arising from criminal acts, restore balance, bring a sense of security and peace, and foster remorse and absolve convicts of guilt. This formulation demonstrates that punishment is no longer solely oriented toward retribution.

Article 52 of the National Criminal Code also states that punishment is not intended to degrade human dignity. This norm is important because it shifts the perspective of the perpetrator. The perpetrator remains accountable, but this accountability should not be carried out in a way that diminishes their humanity. In the context of restorative justice, this principle aligns with the idea that perpetrators should be encouraged to acknowledge their mistakes, repair their harm, and responsibly reintegrate into society.

Article 54 of the National Criminal Code regulates a number of sentencing guidelines that must be considered by judges, including the form of the offense, motive, mental attitude, whether the crime was committed with a plan, the method of committing the crime, the attitude and actions of the perpetrator after committing the crime, the perpetrator's life history, the impact of the crime on the perpetrator's future, and the impact of the crime on the victim or the victim's family. These guidelines provide space for judges to consider reconciliation, recovery, and the perpetrator's responsibility as part of the assessment of the proportionality of the sentence.

Thus, the National Criminal Code strengthens restorative justice at the philosophical level of sentencing. Although the National Criminal Code does not make *restorative justice* the sole mechanism for resolving cases, its values align with the goal of restoration. Punishment is not only aimed at inflicting suffering but also at restoring the balance damaged by the crime.

The relevance of the National Criminal Code is also evident in the opening of alternative criminal penalties. In the old paradigm, imprisonment was often considered the central punishment. In the new paradigm, punishment must be chosen proportionally based on the offense, its impact, the victim's needs, and the interests of society. This is crucial because imprisonment is not always the best answer, especially for minor crimes, crimes due to negligence, or cases where the losses can be concretely remedied.

However, it is important to emphasize that the restorative orientation in the National Criminal Code should not be interpreted as weakening the function of criminal law. Criminal law still serves the function of protecting society. Therefore, restorative justice must remain subject to the principles of legality, accountability, proportionality, and victim protection. Without these principles, restorative justice can be misused as a bargaining chip by economically or socially more powerful parties.

### **Principles of Victim Recovery and Perpetrator Responsibility**

The essence of restorative justice is healing. However, healing should not be limited to monetary payments. It can take the form of compensation, restitution, rehabilitation, apology, guarantees of non-reoffending, community service, or other forms agreed upon voluntarily and proportionately. The UNODC (*United Nations Office on Drugs and Crime*) emphasizes that *restorative justice programs* are participatory responses to crime that can complement the criminal justice system by considering victims, perpetrators, and the community (United Nations Office on Drugs and Crime, 2020).

In the context of victims, restorative justice must stem from the victims' needs, not from the authorities' interests in reducing the burden of cases. This is a simple point, but it often gets lost in practice. Victims must be given space to express their losses, needs, and hopes. Victims must also be assured that they are not under pressure to agree to a settlement. If victims accept a settlement out of fear, poverty, fatigue, or lack of access to legal aid, then the settlement is morally and legally questionable.

In the context of perpetrators, restorative justice requires an acknowledgement of responsibility. It's not enough for perpetrators to simply say "I'm sorry" and hope the matter goes away. An apology must be followed by concrete action to repair the harm. The perpetrator's responsibility must also be documented, verified, and monitored to ensure that reparation is truly achieved.

Howard Zehr (2015) emphasized that restorative justice focuses on the harms, needs, and obligations arising from the offense. Within this framework, the perpetrator is not merely an object of punishment, but rather a subject obligated to understand the consequences of their actions and take concrete steps to correct them. Justice is not complete when the perpetrator is imprisoned; it begins to take on meaning when the victim is restored and the perpetrator is held accountable.

The principle of restoration also relates to the victim's dignity. The formal criminal justice system often leaves victims feeling unimportant because the process is controlled by the state.

In restorative justice, the victim becomes an active participant. However, this active role must be protected by ethical and procedural standards. Officials are obliged to ensure that victims understand their rights, the consequences of reconciliation, and the legal process available.

### **Risk of Abuse of Restorative Justice**

Restorative justice has great potential, but it also carries significant risks. The first risk is the privatization of criminal cases. If all cases are understood as amicable matters between the perpetrator and the victim, the function of criminal law to protect the public interest may be weakened. Crime is not only a personal matter but also a violation of social order. Therefore, the state must remain present as a watchdog.

The second risk is unequal bargaining power. In practice, victims may come from vulnerable groups, while perpetrators possess economic, social, or political power. In such circumstances, peace can turn into covert oppression. Law enforcement officials must be able to distinguish voluntary peace from peace born of intimidation or powerlessness.

The third risk is the commercialization of case resolution. Restorative justice can be misunderstood as a "pay and get it done" mechanism. This view is dangerous because it reduces justice to a transaction. In fact, restorative justice demands moral, social, and legal accountability. Compensation is only one element of restitution, not the full meaning of justice.

The fourth risk is disparity between institutions. Because regulations are still scattered, standards applied at the investigation stage may differ from those at the prosecution stage. This difference in standards can create legal uncertainty. Fuad Nur noted that the lack of uniform regulations on restorative justice should not prevent law enforcement from helping parties resolve cases fairly (Nur, 2024). However, from a legal certainty perspective, the lack of uniform regulations must still be seen as an issue that requires immediate redress.

The fifth risk is the use of restorative justice for inappropriate cases. Cases involving serious violence, child victims, sexual violence, corruption, certain narcotics, terrorism, recidivism, and cases that cause widespread unrest should not be resolved restoratively without very strict limits. If restorative justice is applied indiscriminately to serious cases, it is no longer an instrument of justice, but rather a soft carpet for sweeping away criminal accountability.

### **Normative Limits of the Application of Restorative Justice**

To ensure restorative justice remains consistent with legal certainty and victim protection, clear normative boundaries are necessary. First, cases must be proportionate to be resolved restoratively. Minor crimes, crimes with recoverable harm, crimes without serious violence, and crimes that do not cause widespread unrest are more appropriate for a restorative approach.

Second, there must be an acknowledgement of responsibility from the perpetrator. Without acknowledgement, the restorative process lacks moral foundation. *Restorative justice* is not a forum for bargaining to avoid punishment, but rather a space for accountability. The perpetrator must understand the harm caused and express a willingness to repair it.

Third, there must be voluntary consent from the victim. The victim's consent must be free from threats, pressure, manipulation, or economic dependence. If the victim is a child, a person with a disability, or a vulnerable group, legal and psychosocial support is essential. Without this protection, reconciliation will be a mere formality that further harms the victim.

Fourth, there must be concrete restitution. This restitution can take the form of restitution, compensation, reimbursement, repair of damages, rehabilitation, an apology, or other agreed-upon forms. Prosecutor's Regulation Number 15 of 2020 establishes restoration to the original state as a crucial requirement for terminating prosecution based on restorative justice.

Fifth, there must be oversight by law enforcement officials. Oversight is necessary to ensure that the process does not violate the law, does not harm the victim, and does not conflict with the public interest. Police Regulation Number 8 of 2021 also establishes material and formal requirements as a filter to ensure that restorative resolution is not carried out haphazardly.

Sixth, there must be adequate documentation. Restorative agreements must be written and outline the rights and obligations of the parties, the form of restitution, the timeframe for implementation, the consequences of non-compliance, and the victim's consent. Documentation is essential for accountability and preventing future disputes.

Seventh, there must be an evaluation mechanism. The state needs to evaluate cases resolved restoratively, including perpetrator compliance, victim satisfaction, reoffending, and social impact. Without evaluation, restorative justice remains little more than a catchphrase whose effectiveness is difficult to prove.

### **Synchronization Model of Restorative Justice in the Indonesian Criminal Law System**

Based on the above description, this article offers a synchronized model for the application of restorative justice within the Indonesian criminal law system. This model consists of five main elements: case selection, victim protection, perpetrator accountability, institutional oversight, and integration with the National Criminal Code's sentencing objectives.

This model also aligns with the concept of *responsive regulation*, as the state does not always have to resort to the harshest criminal response from the outset, but must still have the capacity to escalate its legal response if the perpetrator is irresponsible or if the public interest demands stricter law enforcement (Braithwaite, 2002). Thus, institutional synchronization needs to be understood as an effort to build continuity between investigations, prosecutions, court hearings, and the implementation of restitution agreements (Muladi, 1995).

First, case selection. Not all crimes can be resolved restoratively. Selection must consider the type of crime, the severity of the offense, the impact on the victim, the extent of the loss, the victim's vulnerability, the perpetrator's track record, and the impact on society. This selection must be incorporated into national standards to avoid excessive disparities.

Second, victim protection. Victims must be at the center of the process, not simply a tool to legitimize the dismissal of the case. Victims need clear information, support, time to consider the matter, and the opportunity to reject the settlement without pressure. If the victim rejects a restorative resolution, the formal criminal process must continue.

Third, perpetrator accountability. The perpetrator must admit to the crime and fulfill the obligation to make restitution. If the perpetrator fails to comply with the agreement, the case must be allowed to proceed according to the due process. Thus, restorative justice retains legal force, not merely a good promise that evaporates after signing.

Fourth, institutional oversight. The police, prosecutors, and courts need to have interconnected standards. Internal and external oversight must be established to prevent abuse.

Data transparency is also crucial so the public can assess whether restorative justice is truly being used for justice, not to cover up cases illicitly.

Fifth, integration with the objectives of the National Criminal Code. The National Criminal Code has prioritized conflict resolution, the restoration of balance, a sense of security, and human dignity as part of the objectives of punishment. Therefore, restorative justice must be understood as a concrete form of the new direction of Indonesian punishment. However, this integration does not mean that all cases must be resolved restoratively. Integration means that the value of restoration must be incorporated into how authorities assess cases, choose criminal responses, and formulate just solutions.

Such a synchronization model can help prevent both extremes. The first extreme is rigid legalism which assumes that all cases must end in punishment without considering recovery. The second extreme is naive restorativeness which considers all cases to be resolved peacefully. Sound criminal law must not fall into one of these extremes. He must be firm, but also humane; sure, but also sensitive to the victim's losses; formal, but not blind to substantive justice.

## CONCLUSION

Restorative justice plays a crucial role in the development of Indonesian criminal law, offering a case resolution paradigm focused on victim recovery, perpetrator accountability, and the restoration of social balance. The implementation of this principle has been institutionally established through Peraturan Jaksa (Prosecutor's Regulation) No. 15 of 2020 and Peraturan Kepolisian (Police Regulation) No. 8 of 2021. Furthermore, the Kitab Undang-Undang Hukum Pidana (National Criminal Code), through Law No. 1 of 2023, reinforces the orientation of punishment, which is not solely retaliatory but also directed toward resolving conflict, restoring balance, and preserving human dignity.

However, restorative justice should not be understood as an automatic elimination of criminal responsibility. It must be applied selectively, proportionally, and under legal oversight. The important requirements for its implementation include the appropriateness of the case type, acknowledgement of the perpetrator's responsibility, voluntary consent from the victim, concrete reparations, protection of vulnerable groups, written documentation, and oversight by law enforcement officials. Without these requirements, restorative justice risks becoming a mechanism for impunity or a means of settlement transaction.

This article recommends the establishment of national standards for the implementation of restorative justice that apply uniformly across law enforcement agencies. These standards should regulate the types of cases eligible for resolution, the formal and material requirements, victim protection, the legal consequences of agreements, monitoring mechanisms, and periodic evaluations. Thus, restorative justice can serve as an instrument for criminal law reform that not only pursues legal certainty but also delivers restorative, responsible, and humane justice.

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